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Maldives

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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Please recycle

I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified not accepted*
Ratification, accession or succession	ICERD (1984)		ICCPR-OP 2
	ICESCR (2006)		ICRMW
	ICCPR (2006)		ICPPED (signature, 2007)
	CEDAW (1993)		
	CAT (2004)		
	OP-CAT (2006)		
	CRC (1991)		
	OP-CRC-AC (2004)		
	OP-CRC-SC (2002)		
	CRPD (2010)		
Reservations and/or declarations	ICCPR (reservation, art. 18, 2006)		
	CEDAW (reservation, art 16, 1999)		
	CRC (reservations, arts. 14 and 21, 1991)		
	OP-CRC-AC (declaration under art. 3 (2): 18 years, 2004)		
Complaints procedures, inquiries and urgent action[3]	ICCPR-OP 1 (2006)	OP-ICESCR (Signature, 2011)	ICERD, art. 14
	OP-CEDAW, art. 8 (2006)	OP-CRC-IC (Signature, 2012)	OP-ICESCR (signature, 2011)
	CAT, art. 20 (2004)		ICCPR, art. 41
			CAT, arts. 21 and 22
			OP-CRC-IC (signature, 2012)
			ICRMW
			OP-CRPD
			ICPPED (signature, 2007)

Other main relevant international instruments[4]

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide Geneva Conventions of 12 August 1949 and Additional Protocols I and II[5]	Rome Statute of the International Criminal Court ILO fundamental conventions[6]	Palermo Protocol[7] Additional Protocol III to the 1949 Geneva Conventions[8] Conventions on refugees and stateless persons[9] ILO Conventions Nos. 169 and 189[10] UNESCO Convention against Discrimination in Education

1. In 2011, the Committee on the Elimination of Racial Discrimination (CERD) recommended that Maldives consider ratifying ICRMW[11] and four international instruments on refugees and stateless persons[12] and encouraged Maldives to recognize the competence of CERD to receive and consider individual complaints.[13]

2. In 2012, the Human Rights Committee (HR Committee) considered the reservation of Maldives to article 18 of ICCPR to be incompatible with the object and purpose of the Covenant and recommended that Maldives withdraw its reservation.[14] CERD made a related recommendation.[15]

B. Constitutional and legislative framework

3. HR Committee expressed concern that article 16 (b) of the Constitution provided that "the limitation of a right or a freedom specified in this Chapter by a law enacted by the People's Majlis as provided in the Constitution, and in order to protect and maintain the tenets of Islam, shall not be contrary to article (a)" impeded the application of the Covenant. HR Committee recommended that Maldives give full and unimpeded effect to the provisions of ICCPR in its domestic legal order and ensure that the provisions of article 16 (b) of the Constitution are not invoked to justify the failure by Maldives to fulfil its obligations under the Covenant.[16]

4. In 2013, the Special Rapporteur on the independence of judges and lawyers recommended that Maldives urgently pass the Penal Code and Sentencing Bill, the Criminal Procedure Code, the Civil Procedure Code and the Evidence Act, and ensure that these laws are in line with the provisions of the Constitution and the international human rights obligations of Maldives.[17] The United Nations Development Programme (UNDP) also recommended all such essential pieces of legislation should be urgently passed and be in line with Maldivian international obligations.[18]

5. UNDP reported that the new Penal Code was finally passed in 2014 and for the first time contains sentencing guidelines. The Code includes provisions related to corporal punishment, including flogging for sexual intercourse out of marriage, and provisions on capital punishment, including death penalty for heinous murders. UNDP recommended a comprehensive review of the new Penal Code in order to bring it in line with Maldivian international obligations.[19]

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions[20]

National human rights institution	*Status during previous cycle*	*Status during present cycle*[21]
Maldives Human Rights Commission	B (2008, confirmed in 2010)	B

6. HR Committee recommended that Maldives remove the legal requirement which prevents non-Muslims from being appointed as members of the Human Rights Commission of Maldives (HRCM) and consider expanding its mandate to promote all human rights and freedoms, in full compliance with the Paris Principles.[22] CERD recommended that HRCM represent all groups in the country.[23]

7. CERD recommended that Maldives continue its dialogue with HRCM and engage with civil society organizations working in the area of human rights protection.[24]

8. The United Nations Population Fund (UNFPA) stated that the newly established Ministry of Law and Gender, under the auspices of the Attorney-General's Office coordinated the legislative agenda to implement the rights and freedoms guaranteed in the Constitution. Capacity needed to be built to mainstream human rights and to continue progress on democratic reform and operationalization of the Constitution.[25]

II. Cooperation with human rights mechanisms

9. In 2014, the United Nations High Commissioner for Human Rights expressed deep concern at the case initiated by the Supreme Court of Maldives against the five members of HRCM, following the Commission's submission of a written contribution to the second universal periodic review of Maldives to the Human Rights Council. The Government had a responsibility to ensure a safe operating space for the Commission and for civil society actors in the country, so that they were able to cooperate with United Nations human rights mechanisms without fear of reprisals. The United Nations High Commissioner for Human Rights Zeid Ra'ad Al Hussein had also written directly to the Government of Maldives to express his concerns.[26]

10. Expressing concern at information that some individuals who had provided information to the Committee had been subjected to threats and intimidation as a result of submitting such reports, HR Committee recommended that Maldives should protect such individuals.[27]

A. Cooperation with treaty bodies[28]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CERD	August 1999	2010	August 2011	Thirteenth to fifteenth periodic reports due in 2015
CESCR	--	--	--	Initial report overdue since 2008
HR Committee	--	2010	July 2012	Second report due in 2015

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CEDAW	January 2007	2012	--	Fourth to fifth reports pending consideration in 2015
CAT	--	--	--	Initial report overdue since 2005
CRC	June 2007 (on CRC) /January 2009 (on CRC-Ops)	2013	--	Fourth to fifth reports pending consideration in 2016
CRPD	--	--	--	Initial report overdue since 2012

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
CERD	2012	Anti-discrimination legislation and human trafficking[29]	--
HR Committee	2013	Reservation on art. 18, independence of Judicial Service Commission, resignation of former President, protection of rights in art. 25 and carrying out of Commission of Inquiry into transfer of power in February 2012, protection of individuals who provided information to the Committee[30]	Follow-up submission overdue[31]

Country visits and or inquiries by treaty bodies

Treaty body	*Date*	*Subject matter*
SPT	December 2014[32]	Follow-up visit: report confidential

B. Cooperation with special procedures[33]

	Status during previous cycle	*Current status*
Standing invitation	Yes	Yes
Visits undertaken	Freedom of religion or belief (2006)	Internally displaced persons (2011)
	Independence of judges and lawyers (2007)	Independence of judges and lawyers (2013)
	Freedom of opinion and expression (2009)	
	Adequate housing (2009)	
Visits agreed to in principle	Violence against women	Violence against women
		Freedom of peaceful assembly and of

	Status during previous cycle	Current status
		association
		Discrimination against women (tentatively scheduled for second half of 2015)
Visits requested		Human rights defenders
Responses to letters of allegation and urgent appeals	During the period under review 11 communications were sent. The Government replied to two communications	
Follow-up reports and missions	--	

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

11. UNFPA reported that a human rights adviser was deployed within UNCT between November 2012 and September 2014.[34] OHCHR reported that the Human Rights Adviser supported efforts to mainstream human rights and build the internal capacity of UNCT for better strengthening of the national human rights protection systems.[35]

12. The High Commissioner visited Maldives in 2011.[36]

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

13. HR Committee welcomed the removal by Parliament of the gender bar on running for presidency and the enactment of the Anti-Domestic Violence Act, in 2012.[37] UNDP indicated that the Government began the drafting of a Bill on Gender Equality and held initial consultations with stakeholders on the draft legislation.[38]

14. According to UNDP, a rapid movement towards a conservative interpretation of Islam was having a negative impact on women's realization of their rights. Increasingly, a number of religious sermons that were approved by the Ministry of Islamic Affairs promoted stereotypical roles assigned for women, and continuously promoted the message that a woman's place was at home. Similarly, remarks made by senior political figures and religious leaders were demeaning to women, and promoted gender discrimination and sometimes gender-based violence, such as the endorsement made by the Vice-President of the Fiqh Academy endorsing female circumcision.[39] UNDP recommended that Maldives promote religious dialogue on issues that affect women's human rights, and prevent the promotion of discrimination against women including through speech and sermons.[40]

15. UNFPA stated that, in recent years, there had been an increase of out-of-court marriages, particularly in religious conservative contexts. Children born from those unions were considered "illegitimate" and prevented from legally using the father's name or inheriting property from the father, in accordance with the Maldivian interpretation of

sharia law. Despite the Family Court announcement in 2014 that out-of-court marriages would not be registered, the practice continued. UNFPA recommended that Maldives: ensure equal rights for children, including inheritance, regardless of parents' marital status; engage religious institutions to prevent underage and out-of-court marriages; and sensitize communities on disadvantages related to early marriage.[41] HR Committee also recommended that Maldives ensure the right of women to inherit property on an equal footing with men.[42]

16. In 2011, the High Commissioner suggested expanding women's political role through local council representation on the islands.[43] UNDP reported on how the women's development committees on local councils were not given the resources or an authoritative mandate to play a meaningful role in decision-making.[44]

17. Concerned at the continuing de facto gender discrimination which resulted in the underrepresentation of women in political and public affairs, HR Committee recommended that Maldives strengthen its efforts to facilitate the participation of women in political and public affairs and combat stereotypes on the role of women, including by sensitizing its population to ensure the enjoyment by women of their rights.[45]

18. CERD welcomed the Constitution's explicit prohibition of racial discrimination.[46] Welcoming the information provided by Maldives that an anti-discrimination act was being prepared for 2012, CERD recommended that Maldives enact the planned anti-discrimination act as soon as possible.[47] CERD requested that Maldives report on the follow-up to this recommendation in 2012.[48]

19. CERD expressed concern at discriminatory provisions in the Constitution according to which all Maldivians should be Muslims, thus excluding non-Muslims from obtaining citizenship or from accessing public positions.[49] HR Committee recommended that Maldives revise its Constitution to ensure that religion is not a basis for citizenship.[50]

20. HR Committee recommended that Maldives: accelerate the enactment of the anti-discrimination legislation under consideration by the Parliament, and ensure it includes a prohibition of discrimination on the basis on sexual orientation; and combat the stigmatization and marginalization of homosexuals in society.[51] Reporting that individuals suspected or perceived as homosexuals or transgender faced intimidation and overt threats, UNFPA recommended that Maldives ensure protection from human rights violations based on sexual orientation and gender identity, including through law reform to prevent hate crimes, as well as sensitization of judiciary, policy, health and other service providers.[52]

B. Right to life, liberty and security of the person

21. In 2012, the HR Committee expressed concern at a draft amendment to the Clemency and Pardoning Act, which would prevent the President from granting clemency. While noting that Maldives had adopted a moratorium on the death penalty, HR Committee recommended that Maldives consider abolishing the death penalty, ratifying ICCPR-OP2 and remove mandatory death penalties from its statutes.[53]

22. In 2014, the High Commissioner for Human Rights reported that Maldives had observed a moratorium on the death penalty for 60 years and reaffirmed its commitment to maintain it during its first universal periodic review in 2010. Noting a new regulation which provided for the use of the death penalty for the offence of intentional murder, including when committed by individuals under the age of 18, the Government was urged to retain its moratorium on the use of the death penalty in all circumstances, particularly in cases that involved juvenile offenders and to work towards abolishing the practice altogether.[54]

23. Concerned at reported cases of torture, HR Committee recommended that Maldives take steps to combat torture and ill-treatment in its all forms and prohibit it in its legislation. Expressing concern at information that human rights violations, including torture, were committed by the Police during the arrest and detention of protestors in the course of the demonstrations of 8 February 2012, HR Committee recommended that Maldives investigate all allegations of torture that took place on 8 February 2012, in Malé and Addu, prosecute those responsible, and provide compensation and rehabilitation to the victims.[55]

24. Particularly concerned at reported cases of excessive use of force by the Police and the National Defence Forces during demonstrations, including in 2012, HR Committee recommended that Maldives investigate incidents which occurred in the State party, in particular during the 2012 demonstrations, and prosecute and bring the Police and Defence Forces officers responsible to justice.[56]

25. HR Committee was concerned at the persistence of domestic violence.[57] UNDP indicated that, while the law on Domestic Violence was ratified in 2012, the shelters required under the law were yet to be established. Family and Child Service Centres were unable to cater to the demand for safe shelter.[58] UNDP noted that the Sexual Offences Act 2014 for the first time criminalized marital rape.[59] UNFPA noted that the Government created awareness on gender-based violence and the Domestic Violence Prevention Act through outreach in cooperation with civil society.[60]

26. UNDP recommended that Maldives improve resource allocations to government agencies mandated with gender responsibility and for the implementation of laws tackling violence against women.[61] Regarding domestic violence, HR Committee further recommended that Maldives facilitate complaints from victims without fear of reprisals intimidation or exclusion by the community; investigate, prosecute and punish those responsible; and provide compensation to victims.[62]

27. UNFPA stated that sex out of wedlock was an offence according to the Sexual Offences Act.[63] UNFPA reported that criminalization of pregnancy out of wedlock included underage girls falling pregnant as a result of abuse, which led to expulsion from school. There had also been media reports of infanticide.[64]

28. In 2013, three special procedure mandate holders noted that, according to information received, a number of cases of sexually abused minors sentenced to flogging on charges of fornication had been reported in the news media.[65] In 2011, the High Commissioner stated that by continuing to carry out floggings, albeit only occasionally, Maldives was in breach of its obligations under several international treaties and that it should be possible for the Government and the judiciary to engineer a practical moratorium on flogging.[66] HR Committee recommended that Maldives abolish flogging and explicitly prohibit corporal punishment in all institutional settings.[67]

29. Reporting that in 2014, the Vice-President of Fiqh Academy called for female genital mutilation (FGM), while the former Maldivian Vice-President Dr. Waheed had previously expressed concern about FGM, UNFPA recommended that Maldives continue to inform about the implications of FGM, including as a violation of women's right to physical integrity, health and security; and establish explicit legal protection against FGM.[68]

30. UNHCR highlighted the adoption of the anti-trafficking law in 2013 as a huge stepping stone to address numerous migration challenges. The law criminalized human trafficking and offences such as forced labour and fraudulent recruitment as acts of human trafficking.[69] Concerned at trafficking in migrants from neighbouring countries for labour and sexual exploitation purposes, HR Committee recommended, inter alia, that Maldives adopt a national plan of action on trafficking in persons; and investigate instances of trafficking and prosecute those responsible and provide protective measures, rehabilitation and compensation to victims.[70]

C. Administration of justice, including impunity, and the rule of law

31. UNDP reported that the judiciary had become a major point of tension and disagreement with political parties in the country and had caused challenges to the consolidation of democracy in addition to the lack of public trust in the judicial system. During the Presidential Elections of 2013, the Supreme Court became highly politicized in deciding the cases that were filed regarding the validity of election results. This eventually led to the removal of the Chair and Vice-Chair of the Elections Commission under a regulation promulgated by the court to try cases on its own motion for contempt of court.[71] In 2013, the Special Rapporteur on the independence of judges and lawyers sent a communication. She expressed concern that the Supreme Court was subverting the democratic process by interfering in the functions of the Elections Commission, an independent body established in the Constitution, in charge of conducting, managing, supervising and declaring the results of elections.[72]

32. In 2013, the High Commissioner stated that judges should act in accordance with the principles of impartiality, propriety, equality and due diligence, as reflected in the Basic Principles on the Independence of Judiciary, the Bangalore Principles of Judicial Conduct, and the country's own judicial code of conduct. The High Commissioner observed that the Supreme Court had threatened to charge lawyers and media with contempt of court for challenging the court's decisions. The Supreme Court appeared set on undermining independent institutions, stifling criticism and public debate, and depriving litigants of the legal representation of their choice. She also expressed concern at the Government's threats to dissolve civil society organizations for criticizing the judiciary, and the reactivation of old cases to arrest opposition members of Parliament or bar them from Parliament. The High Commissioner stated that whoever won the election should embark on fundamental reforms to the judiciary to safeguard the progress of Maldives in democracy and rule of law.[73]

33. In 2012, HR Committee expressed concern that the composition and the functioning of the Judicial Service Commission (JSC) seriously compromised the realization of measures to ensure the independence of the judiciary.[74] In 2013, the Special Rapporteur on the independence of judges and lawyers noted reports that the current composition of JSC was inadequate and politicized.[75] With respect to the vetting process, the Special Rapporteur indicated that JSC opted for interpreting article 285 of the Constitution in a symbolic way and did not scrutinize judges' qualifications thoroughly.[76] UNDP recommended that the current composition and functioning of the JSC be revised in line with international principles of independence and accountability of the judiciary; all allegations of misconduct in the judiciary, including corruption, be properly investigated under previously set, clear and transparent rules and appropriate measures taken to enforce the code of conduct of judges in a transparent and consistent manner.[77]

34. In 2014, the Special Rapporteur on the independence of judges and lawyers expressed concern at the removal of two Supreme Court justices. The procedure followed by JSC, for the removal of the two Supreme Court justices, was characterized by a lack of transparency and due process. The decision seriously undermined the judiciary. The Rapporteur indicated that since her visit in 2013 there had been a serious deterioration in respect for the rule of law and independence of the judiciary.[78] In 2013, The Special Rapporteur was further concerned that the Supreme Court was perceived as not following due process in many of its decisions. It was also troubling that some of the Supreme Court's interventions were perceived as arbitrary and as serving the judges' own personal interests.[79]

35. In 2013, the Special Rapporteur indicated that the concept of independence of the judiciary had been misconstrued and misinterpreted in Maldives, including among judicial

actors.[80] UNDP also reported that one of the major political incidents to note between the executive and judiciary was the unlawful detention of the Chief Judge of the Criminal Court Abdulla Mohamed in January 2012 by the then President alleging the judge had been interfering with the investigations of corruption related to a number of powerful politicians.[81] The Special Rapporteur recommended that Maldives engage in a dialogue between the three branches of Government to address the challenges to the independence of the judiciary and the proper functioning of the justice system.[82]

36. The Special Rapporteur noted reports that, in practice, sharia was widely applied by lower courts, giving rise to serious inconsistencies in jurisprudence.[83] In 2013, the Special Rapporteur on the independence of judges and lawyers sent a communication regarding alleged interferences with, and pressure on, the independence of lower courts and tribunals in Maldives. She noted information according to which HRCM had developed a court/trial monitoring programme for judges and magistrates. The Supreme Court's Judges Council allegedly barred HRCM from conducting the training programme.[84]

37. UNDP reported that the Supreme Court of Maldives had embarked on the task of developing a continuous judicial education curriculum for the judiciary with the support of UNDP. The lack of a comprehensive training programme had been highlighted by many as a constraint in effectively dispensing justice under the new Constitution. The education curriculum was expected to remedy that issue.[85] UNDP recommended that judges, magistrates, prosecutors and lawyers should have access to quality education, including continuing education and specialized training on international human rights law and mechanisms, constitutional law, comparative law, women' rights and gender equality, among others.[86]

38. UNDP pointed to the precarious situation of women in the justice system as a serious gap in the legal system.[87] In 2011, the High Commissioner noted that only five of the country's almost 200 judges and magistrates were women.[88] The Special Rapporteur on the independence of judges and lawyers indicated that measures to improve the representation of women in the judiciary needed to be taken urgently, and gender discrimination in the justice system must be eliminated, including through training.[89]

39. Concerned that suspects might be detained for a period exceeding 48 hours without appearing before a judge and without charge, HR Committee recommended that Maldives provide legal guarantees to suspects detained. HR Committee recommended that Maldives reduce the high rate of overcrowding in its prisons, including by shortening the period of pretrial detention and by using alternative measures to the deprivation of liberty; and establish a complaint mechanism for inmates regarding their conditions of detention.[90]

40. HR Committee recommended that Maldives review the composition of the Police Integrity Commission to ensure that its independence is guaranteed.[91] Concerned at reported cases of torture and ill-treatment by Police and National Defence Forces that occurred in Maldives prior to 2008 which had not all been investigated, HR Committee recommended that Maldives consider setting up an independent commission of inquiry to investigate all human rights violations that took place prior to 2008 and provide compensation to the victims.[92]

D. Right to privacy, marriage and family life

41. According to UNDP, the Family Law undermined the right of free choice for women as they required consent of their guardian or the closest male kin from the paternal side in order to enter into a marriage. Furthermore, the law allowed for polygamy which was also discriminatory, impacting on women's security and dignity.[93] UNDP recommended that Maldives conduct a comprehensive review of the existing family law

and make amendments to the legislation in line with CEDAW and other international obligations.[94]

42. HR Committee recommended that Maldives decriminalize sexual relations between consenting adults of the same sex.[95]

E. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

43. In 2011, the High Commissioner expressed concern at the reported rise in religious intolerance among a small but intimidating minority in Maldives, and the impact that this was having on women. Religious intolerance had also manifested itself in disturbing acts, such as the destruction and defacement by extremists of symbols and monuments at the recent SAARC Summit, and the closing down of a blog by the Ministry of Islamic Affairs because of the religious views of its creator.[96] HR Committee recommended that Maldives revise its legislation to authorize non-Muslims to practise and manifest their religion, including in places of public worship, abolish the crime of apostasy in its legislation and allow Maldivians to fully enjoy their freedom of religion.[97] CERD recommended that Maldives develop means for promoting mutual understanding, tolerance and interreligious dialogue in the Maldivian society which will help to confront religious extremism and enhance cultural diversity.[98]

44. UNDP stated that journalists reporting on gang violence and related issues and issues perceived as sensitive regarding religion had faced death threats. While 15 journalists received death threats, one journalist, Ahmed Rilwan had been missing since August 2014.[99] HR Committee recommended Maldives to fully guarantee the right to freedom of expression in all its forms and avoid any kind of illegal interference in the media, including by refraining from the use of force against journalists. Maldives should protect journalists and media against any form of violence and censorship. Maldives should investigate incidents of attacks on journalists and media, and bring those responsible to justice.[100]

45. According to UNDP, the passage of the Access to Information Act was an important step by the country in promoting transparency and allowing citizen's access to information which can help improve accountability of key officials. An independent information commissioner had been appointed to oversee the implementation of the Act.[101]

46. UNDP reported that civil society organizations had faced various forms of threats that impeded their operation. One of the major organizations, Transparency Maldives, had reportedly faced threats of dissolution by the Registrar of Associations, while individuals had allegedly made death threats against their staff. Similarly, the Maldivian Democracy Network had their offices ransacked and confidential documents stolen. No case with regard to threats against civil society had yet been prosecuted.[102] In 2014, the Special Rapporteur on human rights defenders raised related concerns and urged the Government to take the necessary measures to ensure that an environment exists in which human rights defenders are able to carry out their activities without fear of persecution or restriction of any sort.[103]

47. Reporting that a civil society organization, with the endorsement of the Attorney-General, had been able to come up with new draft legislation on associations, UNDP recommended that Maldives expedite the passing of the new Associations Act that can create an enabling environment for civil society.[104]

48. UNDP reported that the Freedom of Peaceful Assembly Act of 2013 placed limitations on places of assembly and on media covering the protests and added administrative hurdles to assembly.[105] HR Committee recommended that Maldives fully

guarantee the right to freedom of assembly in compliance with ICCPR and revise its legislation accordingly. Maldives should also adopt procedures and regulations in compliance with human rights standards for the police in controlling large crowds of protestors.[106]

49. Noting the legal and political circumstances which resulted in the resignation of the former President of Maldives, on 7 February 2012, and the transfer of power to the new President, HR Committee recommended that Maldives ensure that: the rights contained in article 25 of the ICCPR are fully protected; and the Commission of Inquiry set up to investigating the circumstances surrounding the transfer of power can carry out its functions in complete independence and impartiality.[107]

50. Referring to elections held in 2013, the High Commissioner for Human Rights stated that the Supreme Court nullified the first round of the Presidential Election of 7 September 2013 on the basis of irregularities in the process, despite the general conclusions by national and international observers that the election was free and fair. The court also imposed on the Elections Commission an onerous set of guidelines for the conduct of the election, which would be difficult to satisfy. It was on that basis that police prevented the Elections Commission from carrying out its plan to re-run the election on 19 October 2013. The High Commissioner also reported that during the period of Presidential elections the Government was also taking arbitrary action against its opponents to prevent their participation in parliamentary debates. She expressed alarm at death threats and other intimidation directed at members and staff of HRCM and civil society actors, as well as an arson attack in October 2013 on an opposition television station.[108]

F. Right to health

51. UNFPA reported on the social condemnation and criminalization of out-of-wedlock pregnancy, and on media reports of infanticide and that 2 of the 19 maternal deaths between 2009 and 2012 was reportedly caused by unsafe abortions.[109] UNFPA recommended that Maldives promote family planning and contraception through public health outreach and other means; remove condoms from the Schedule 3 drugs list; promote choice between a broader range of contraceptive methods, especially for remote islands; and investigate and address barriers for access to family planning, in particular those experienced by adolescents and youth, unmarried women and marginalized and excluded population groups such as persons with disabilities, LGBT, sex workers, etc.[110]

G. Right to education

52. UNESCO recommended that Maldives adopt specific measures to further promote inclusive education.[111]

H. Migrants, refugees and asylum seekers

53. In 2011, the High Commissioner stated that migrant workers were often abused, exploited and cheated of their hard-earned income by traffickers and unscrupulous employers in Maldives.[112] UNHCR referred to estimates that nearly a third of the population of Maldives of 300,000 were migrant workers, up to 50,000 of which had irregular status. They mainly entered the construction and service sector.[113] CERD recommended that Maldives continue to take measures to eliminate discrimination against non-citizens in relation to working conditions and work requirements.[114]

54. HR Committee recommended that Maldives adopt legislation to ensure respect for the principle of non-refoulement.[117]

I. Internally displaced persons

55. In 2012, the Special Rapporteur on the human rights of internally displaced persons concluded that a national framework on internally displaced persons was necessary in order to complement initiatives already adopted.[118]

56. While commending efforts for making protection and assistance to those displaced in the aftermath of the 2004 tsunami a national priority,[117] the Special Rapporteur also recommended that Maldives urgently review the situation of those currently still displaced and living in temporary shelters in order to address their dire living conditions and assist them in rebuilding their lives.[118]

J. Right to development, and environmental issues

57. The Special Rapporteur on internally displaced persons commended the Government for its leadership at the international level in highlighting the impact of climate change and promoting more environmentally sustainable development models. The Special Rapporteur indicated that climate change and other factors related to the nature of small low-lying island environments in Maldives were already affecting the livelihoods and rights of residents of many islands, including the right to housing, safe water, health and an adequate standard of living. The Special Rapporteur recommended that increased national attention, dialogue and commitment to address issues related to internal displacement should now be a priority.[119]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Maldives from the previous cycle (A/HRC/WG.6/9/MDV/2/Rev.1).

[2] The following abbreviations have been used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

[4] Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Maldives before the Human Rights Council, as contained in the note verbale dated 28 August 2013 sent by the Permanent Mission of Maldives to the United Nations addressed to the President of the General Assembly, A/68/359, annex.

[5] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/IHL.

[6] International Labour Organization Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise

Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).

[7] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[8] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/IHL.

[9] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.

[10] International Labour Organization, Indigenous and Tribal Peoples Convention, 1989 (No. 169); and Domestic Workers Convention, 2011 (No. 189).

[11] See also statement of the United Nations High Commissioner for Human Rights, 24 November 2011, Male, Maldives. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11641&LangID.

[12] Concluding observations of the Committee on the Elimination of Racial Discrimination, CERD/C/MDV/CO/5-12, para. 11.

[13] Ibid., para. 18.

[14] Concluding observations of the Human Rights Committee, CCPR/C/MDV/CO/1, para. 5.

[15] CERD/C/MDV/CO/5-12, para. 6.

[16] CCPR/C/MDV/CO/1, para. 6.

[17] Report of the Special Rapporteur on the independence of judges and lawyers, A/HRC/23/43/Add.3, para. 106.

[18] UNDP, submission for the UPR of Maldives, part IV, recommendations, p. 2. See also, para. 5.

[19] Ibid., paras. 5 and 6 and part IV, recommendations, p. 2.

[20] According to article 5 of the rules of procedure of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) Sub-Committee on Accreditation, the classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles); B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (not in compliance with the Paris Principles).

[21] For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/27/40, annex.

[22] CCPR/C/MDV/CO/1, para. 7.

[23] CERD/C/MDV/CO/5-12, para. 9.

[24] Ibid., para. 17.

[25] UNFPA, submission for the UPR of Maldives, p. 1.

[26] See press briefing on Maldives, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15178&LangID=E.

[27] CCPR/C/MDV/CO/1, para. 26.

[28] The following abbreviations may have been used in UPR documents:

CERD	Committee on the Elimination of Racial Discrimination;
CESCR	Committee on Economic, Social and Cultural Rights;
HR Committee	Human Rights Committee;
CEDAW	Committee on the Elimination of Discrimination against Women;
CAT	Committee against Torture;
CRC	Committee on the Rights of the Child;
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Committee on the Rights of Persons with Disabilities;
CED	Committee on Enforced Disappearances;
SPT	Subcommittee on Prevention of Torture.

[29] CERD/C/MDV/CO/5-12, para. 21.

[30] CCPR/C/MDV/CO/1, para. 28.

[31] Letter from HR Committee to the Permanent Mission of Maldives to the United Nations Office and other international organizations in Geneva, dated 28 April 2014, available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MDV/INT_CCPR_FUL_MDV_17222_E.pdf.
[32] Press releases, "The Maldives: UN torture prevention body makes follow-up visit" and "Maldives UN torture prevention body concludes its follow-up visit". Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15380&LangID=E and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15415&LangID=E (accessed on 14 January 2015).
[33] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
[34] UNFPA submission, pp. 1 and 2.
[35] See information available from www.ohchr.org/EN/countries/AsiaRegion/Pages/MVIndex.aspx.
[36] Statement of the United Nations High Commissioner for Human Rights, 24 November 2011, Male, Maldives.
[37] CCPR/C/MDV/CO/1, para. 3.
[38] UNDP submission, para. 20.
[39] Ibid., paras. 23 and 24.
[40] Ibid., part VIII, recommendations, p. 5.
[41] UNFPA submission, section on marriages under 18 years, p. 4.
[42] CCPR/C/MDV/CO/1, para. 12. See also CEDAW list of issues, CEDAW/C/MDV/Q/4-5, para. 20.
[43] Statement of the United Nations High Commissioner for Human Rights, 24 November 2011, Malé, Maldives.
[44] UNDP submission, para. 20.
[45] CCPR/C/MDV/CO/1, para. 10.
[46] CERD/C/MDV/CO/5-12, para. 4.
[47] Ibid., para. 8.
[48] Ibid., para. 21.
[49] Ibid., para. 10.
[50] CCPR/C/MDV/CO/1, para. 9.
[51] Ibid., para. 8.
[52] UNFPA submission, p. 2.
[53] CCPR/C/MDV/CO/1, para. 13.
[54] Press briefing. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14544&LangID=E.
[55] CCPR/C/MDV/CO/1, para. 14.
[56] Ibid., para. 23.
[57] Ibid., para. 11.
[58] UNDP submission, para. 21.
[59] Ibid., para. 20.
[60] UNFPA submission, p. 3.
[61] UNDP submission, section VIII, recommendations, p. 5.
[62] CCPR/C/MDV/CO/1, para. 11.
[63] UNFPA submission, section on sexual orientation and gender identity, p. 2.
[64] Ibid., section on family planning, p. 3.
[65] Communications report of special procedures, A/HRC/23/51, p. 72.
[66] Statement of the United Nations High Commissioner for Human Rights, 24 November 2011, Malé, Maldives.
[67] CCPR/C/MDV/CO/1, para. 16.
[68] UNFPA submission, section on youth and adolescent sexual health and recommendations, p. 5.
[69] UNHCR, submission for the UPR of Maldives, p. 2.
[70] CCPR/C/MDV/CO/1, para. 17. See also CERD/C/MDV/CO/5-12, para. 12.
[71] UNDP submission, para. 2.
[72] Communications report of special procedures, A/HRC/25/74, p. 119.
[73] Statement by the High Commissioner for Human Rights, 2013. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13917&LangID=E.
[74] CCPR/C/MDV/CO/1, para. 20.

[75] A/HRC/23/43/Add.3, para. 44.
[76] Ibid., para. 50.
[77] UNDP submission, section IV, recommendations, p. 2.
[78] Press release "Maldives: Arbitrary removal of Supreme Court judges deeply concerned, UN expert warns". Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15446&LangID=E.
[79] A/HRC/23/43/Add.3, paras. 38 and 39.
[80] Ibid., para. 38.
[81] UNDP submission, para. 9.
[82] A/HRC/23/43/Add.3, para. 100.
[83] Ibid., para. 34.
[84] A/HRC/25/74, p. 107.
[85] UNDP submission, para. 4.
[86] Ibid., section IV, recommendations, p. 2.
[87] Ibid., para. 2.
[88] Statement of the United Nations High Commissioner for Human Rights, 24 November 2011, Male, Maldives.
[89] A/HRC/23/43/Add.3, paras. 118 and 119.
[90] CCPR/C/MDV/CO/1, paras. 18 and 19.
[91] Ibid., para. 15.
[92] Ibid., para. 14.
[93] UNDP submission, para. 25.
[94] Ibid., p. 5.
[95] CCPR/C/MDV/CO/1, para. 8.
[96] Statement of the United Nations High Commissioner for Human Rights, 24 November 2011, Male, Maldives.
[97] CCPR/C/MDV/CO/1, para. 24.
[98] CERD/C/MDV/CO/5-12, para. 13.
[99] UNDP submission, para. 15.
[100] CCPR/C/MDV/CO/1, para. 22.
[101] UNDP submission, para. 13.
[102] Ibid., para. 14.
[103] Report of the Special Rapporteur on the situation of human rights defenders, A/HRC/25/55/Add.3, para. 276.
[104] UNDP submission, para. 12, and section IV, recommendations, p. 3.
[105] Ibid., para. 16.
[106] CCPR/C/MDV/CO/1, para. 23.
[107] Ibid., para. 25.
[108] Statement of the United Nations High Commissioner for Human Rights, 30 October 2013.
[109] UNFPA submission, section on family planning, p. 3.
[110] Ibid., section on family planning, recommendations, p. 4.
[111] UNESCO, submission for the UPR of Maldives, para. 22.3.
[112] Statement of the United Nations High Commissioner for Human Rights, 24 November 2011, Male, Maldives.
[113] UNHCR submission, p. 1.
[114] CERD/C/MDV/CO/5-12, para. 11.
[115] CCPR/C/MDV/CO/1, para. 21.
[116] Report of the Special Rapporteur on the human rights of internally displaced persons, A/HRC/19/54/Add.1, p. 1, and para. 71.
[117] Ibid., p. 1, and para. 68.
[118] Ibid., para. 71 (j). See also UNHCR submission, p. 5.
[119] Ibid., paras. 67–69.